

REMARKS

In response to the office action mailed April 6, 2007, Applicant has amended claims 45 and 48, and canceled claims 1-44. Claims 58-59 were canceled by prior amendment. Claims 46, 47, and 49-57 are original claims. Claims 45-57 and 60-88 are presented for examination.

In order to focus the subject matter of the claims for examination, Applicants have canceled claims 1-44 and added new independent claims 70, 75, 78 and 84. Independent claims 70, 75, 78 and 84 each include many of the features of pending claim 45, as previously presented, along with one or more additional distinguishing claim features. Support for the amendments to claim 45 and for new claims 60-88 can be found in the Applicants' specification, e.g., at page 19, line 3-page 20, line 29 and in the figures, e.g., FIGS. 18, 19 and 20.

35 U.S.C. §112

Claims 1, 7-11, 13-24, 28, 30-35 and 37 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 1, 7-11, 13-24, 28, 30-35 and 37 have been canceled, and as such, the rejection is now moot with respect to claims 1, 7-11, 13-24, 28, 30-35 and 37.

35 U.S.C. §102

Claims 1, 24, 39, and 45 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. 6,924,781 ("Gelbman"). Claim 45 was amended to more clearly define the scope of the claim. As amended, claim 45 covers methods of altering information displayed on an operable designated data input area of a data input device that include selling display time on a first one of one or more data input areas to a third party, and transmitting a signal including data associated with the third party to the data input device from a remote location.

Gelbman describes "a keyboard 98 having a plurality of keys 100. One or more of the keys 100 can have mounted thereon a label 16." (See, e.g., Gelbman at col. 16, lines 54-57; see also FIG. 10). According to Gelbman, "[t]he label 16 can be activated to change or alter the

symbols displayed in connection with each key.” (See, e.g., id. at col. 16, lines 59-61). However, Gelbman does not disclose or suggest “selling display time on a first one of one or more data input areas to a third party, and transmitting a signal including data associated with the third party to the data input device.” Rather, Gelbman merely suggests that “[t]he keyboard containing the labels can be updated or changes as the application or situation dictates.” (See, e.g., id. at col. 17, lines 2-4).

In view of the foregoing discussion, Applicants request reconsideration and withdrawal of the rejection of claim 45 as anticipated by Gelbman. Claims 1, 24 and 39 have been canceled, and as such, the rejection is now moot with respect to claims 1, 24 and 39.

35 U.S.C. §103

Claims 7-11, 13-23, 28, 30-35, 37, 39-42, and 45-57 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gelbman in view of U.S. Pat. 6,788,294 (“Takala”) or Takala in view of Gelbman. Applicants presume that this rejection is based upon the Examiner’s interpretation of Gelbman with respect to claim 45, and submit that Takala fails to remedy the deficiencies of Gelbman, as discussed above. Takala describes an adaptable key element that can be used to display patterns such as image and text. (See, e.g., Takala at col. 5, lines 50-60). According to Takala, “[t]he key ... has the characteristic feature that it can be customized whenever necessary, so a separate user interface is not necessary when requirements change.” (See, e.g., id. at col. 3, lines 10-14). However, Takala fails to disclose or suggest “selling display time on a first one of one or more data input areas to a third party, and transmitting a signal including data associated with the third party to the data input device.” Accordingly, Gelbman and Takala, whether taken alone or in any proper combination, fail to disclose or suggest each and every limitation of Applicants’ claim 45.

Furthermore, with regard to claim 52, the Examiner suggests that Takala “discloses the claim limitation that the label is altered intermittently to provide a series of graphics identifying third parties accessible by manipulating the data input area associated with the label.” (See Office Action of April 6, 2007 at page 25; citing Takala at col. 5, lines 50-65). Applicants respectfully disagree. At the very least, setting aside other distinguishing claim features, such as those discussed above, the cited passage fails to disclose “a series of graphics identifying third

parties.” (Emphasis added). Takala at col. 5, lines 50-65, describes “[a] key element according to the invention 10 comprises a top layer of E-ink material 11 that can be used to display patterns such as text” and “[a]n alternative method of representing images and text in the device ... would be a plastic-based flexible liquid crystal display.” (See, e.g., id. at col. 5, lines 50-60).

Applicants have not found, nor has the Examiner articulated, anything either in the cited passage or elsewhere in Takala that would read upon “a series of graphics identifying third parties.” To the extent that the Examiner disagrees, Applicants respectfully request that the Examiner cite the specific language in Takala regarded as corresponding to each element in the rejected claim.

In view of the foregoing discussion, Applicants request reconsideration and withdrawal of the rejection of claims 45-57 as being unpatentable over Gelbman in view of Takala and/or Takala in view of Gelbman. Claims 7-11, 13-23, 28, 30-35, 37 and 39-42 have been canceled, and as such, the rejection is now moot with respect to claims 7-11, 13-23, 28, 30-35, 37 and 39-42.

Claims 1, 7-11, 13-24, 28, 30-35, 37 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takala in view of U.S. Pat. 6,259,044 (“Paratore”). Claims 1, 7-11, 13-24, 28, 30-35, 37 and 38 have been canceled, and as such, the rejection is now moot with respect to claims 1, 7-11, 13-24, 28, 30-35, 37 and 38.

Claims 39-44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takala in view of U.S. Pat. 6,498,600 (“Vance”). Claims 39-44 have been canceled, and as such, the rejection is now moot with respect to claims 39-44.

Claims 45-57 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takala in view of U.S. Pat. 4,857,840 (“Lanchais”). Applicants submit that Lanchais fails to remedy the deficiencies of Takala, as discussed above. The Examiner apparently adds Lanchais for disclosing “providing the keypad with the keys having multiple data input areas including the letters, words, figures, etc. and transmitting a signal by the receiver to the keypad from a remote location to alter the visible label of at least one of the data input areas in response to the signal.” (See Office Action of April 6, 2007 at page 52). Even assuming, without conceding, that the

Examiner's contention with regard to Lanchais is correct, Lanchais still fails to describe or suggest "selling display time on a first one of one or more data input areas to a third party, and transmitting a signal including data associated with the third party to the data input device." Accordingly, Takala and Lanchais, whether taken alone or in any proper combination, fail to disclose or suggest each and every limitation of Applicants' claim 45.

Therefore, Applicants respectfully request that the rejection of claims 45-57 as unpatentable over Takala in view of Lanchais be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment.

No fee is believed to be due for this Amendment; however, if any fees are due, please apply such fees to Deposit Account 06-1050, referencing Attorney Docket No. 13159-012001.

Respectfully submitted,

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